

PATENT
10/804,509**REMARKS/ARGUMENTS**

Original claims 1-20 remain in the application.

Claims 1-3, 13 and 14 have been rejected.

Claims 4-12 and 15-20 have been objected to for depending from a rejected claim.

Claims 1-2, 13 and 14 have been rejected under 35 U.S.C. 102(b) as being anticipated by Maute (DE3809144). To anticipate, "the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present." (M.P.E.P. 706.02) "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (M.P.E.P. 2131). "The identical invention must be shown in as complete detail as contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (M.P.E.P. 2131) "The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required." *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990) (M.P.E.P. 2131) "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970) (M.P.E.P. 2143.03).

With respect to claims 1 and 13, the Examiner has suggested that Maute teaches a linear motion compensator comprising a housing 11 defining a hollow housing; a stroke compensator (comprising of 21 to 24) moveably supported by the housing, the compensator receiving a first particular linear motion (a) from an input device 17 and transmitting to an output device (14 and 16) a second particular linear motion (b), wherein the first and second lengths are not equal. The housing 11 of Maute, as clearly shown in the Figures 1-3, encloses the stroke compensator (lever 23), output device (contacts 14 and 16) and the input device operating shaft 21. It is, as the patent title indicates, a push-button switch. Independent claims 1 and 13, require that the linear

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motion compensator housing be "adapted for operably connecting to an input device at a first end and to an output device at a second end". The input device 10 and the output device 14 are not inside the housing 102 of the linear motion compensator 98, as clearly shown in Figure 5. Therefore, Maute does not meet this requirement of claims 1 and 13, and can not anticipate claim 1-3 and 13-14.

Applicants have amended independent claims 1 and 13, by replacing the word "generally" with the word "substantially". This amendment is not intended to change in any way the scope of the claim, but to conform with the wording in the second sentence of paragraph 0011 on page 6, of the specification. The words "generally" and "substantially" have similar commonly accepted meanings with respect to the degree or amount of something. A commonly used meaning of "generally" is "on the whole" or "for the most part", while the similar meaning of "substantially" is "most or nearly all of something". "Substantially" is used in this context throughout the M.P.E.P. and is discussed in M.P.E.P. 2173.05(b) D, as a relative term of degree. Applicants believe that "substantially" provides a more concise description of the compensator cam 114 with respect to the housing 102 as shown in Figures 6A and 6B and particularly 8A and 8B. In these figures it is clear that most, but not all, of the compensator cam 114 is contained within the housing 102. The entire lever 23 of Maute is contained within the housing 11. Therefore, Maute does not meet this requirement of claims 1 and 13, and can not anticipate claim 1-3 and 13-14.

With respect to claim 2, the Examiner has suggested that the Maute has a compensator cam 24 (round hole) and a pivot pin 23 supported by the housing. Maute's element which operates similarly to a compensator cam is the lever 23. The lever 23 does pivot from one end, but it does not appear from the Figures that it pivots about a pin. Claim 2 requires a pivot pin that is "supported by the housing". From the description provided in the English abstract and Figures, Applicants do not believe that Maute meets this requirement.

With respect to claim 3, the Examiner has suggested that the cam has an input round 25 and an output round 27, connected to 26 and 28, respectively. Applicants agree

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that the engagement parts 25 and 27, do appear to be round and are engaged with slots 26 and 28, in elements 21 and 22, respectively, which function similarly to the input and output elements of the present invention.

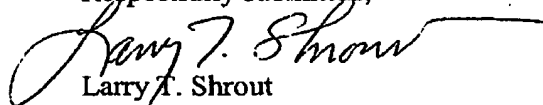
With respect to claim 14, the arguments presented above in support of claims 2 and 3 are also relevant to claim 14.

For the reasons state above, Maute does not meet the requirements for a rejection under 35 U.S.C. 102.

The Examiner has indicated that the remaining claims, 4-12 and 15-20, would be allowable if dependent from an allowed independent claim. Since independent claims 1 and 13 are deemed to be allowable over the cited art for the reasons stated above, these dependent claims are also allowable.

In reply to the Office Action dated October 5, 2006, the rejections set forth by the Examiner have been carefully considered and arguments have been presented herein to overcome the Examiner's §102 rejection of claims 1-3, 13 and 14, based on Maute. Applicants have amended the language of claims 1 and 13 to conform with the language set forth in the specification. Therefore, no new matter has been added by the amendments. Applicants believe all pending claims are in condition for allowance and respectfully request a favorable reconsideration and allowance of this Application.

Respectfully submitted,



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